

Serial No. 09/873,638

PA000010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Patent Application**


Inventor : Jisung Woo  
Serial No. : 09/873,638  
Filed : June 4, 2001  
Title : CHANGER FOR DISK-SHAPED RECORDING MEDIA  
Examiner : Hanh Van Tran  
Art Unit : 3637

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Patricia A. Verlangieri

**APPELLANTS' BRIEF UNDER C. F. R. § 1.192**

On August 25, 2005, Appellants' filed a timely Notice of Appeal (that was received in the United States Patent and Trademark Office on August 25, 2005) from the action of the Examiner finally rejecting pending claims 1-10. The Appellants' herein file this Brief in accordance with 35 C. F. R. § 1.192.

**1. IDENTIFICATION OF THE REAL PARTY IN INTEREST**

The real party in interest for the above-identified application is Thomson Licensing Inc., which is the assignee for this application.

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**2. IDENTIFICATION OF RELATED APPEALS OR INTERFERENCES**

To the best of the Appellants' knowledge, there are no appeals or interferences that will be directly affected by, or will have a bearing on the decision of this appeal.

**3. STATUS OF THE CLAIMS**

Claims 1-10 are rejected and the rejection of claims 1-10 is appealed.

The above-identified application was filed on June 4, 2001 claiming priority under 35 U. S. C. § 119 to European Patent Application No. 00112771.1 filed June 16, 2000. Claims 1-10 were pending.

A first Office Action was mailed May 20, 2004 (Paper No. 3), in which claims 1-10 were rejected.

In Appellants' response to the first Office Action, dated November 22, 2004, claims 1-10 were amended.

The Examiner in a second Office Action, mailed February 25, 2005 (Paper No. 02192005), finally rejected claims 1-10.

The status of the claims is as follows:

Once amended claims 1-10. Claims 1-10 stand finally rejected.

**4. STATUS OF THE AMENDMENTS**

No amendments were made after final rejection. All amendments were entered.

**5. SUMMARY OF THE CLAIMED SUBJECT MATTER**

Independent claim 1 is directed to a changer for disk-shaped recording media. See Appellants' specification at page 1, lines 24-25. The changer includes

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a drawer 3 slidably mounted within a chassis 1 and supporting a number of disk plates 7. See Appellants' specification at FIG. 1 and page 3, line 31 to page 4, line 8. The disk plates 7 are arranged one above the other. See Appellants' specification at FIG. 1 and page 4, lines 1-4. At least one disk plate 7 is mounted at one end via a hinge 9, 10 at the drawer 3 such that it is pivotable about a horizontal axis of the chassis 1 of the changer. See Appellants' specification at FIG. 2 and page 4, lines 10-13.

#### **6. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL**

1. The Examiner has rejected claims 1-10 as being anticipated under 35 U. S. C. § 102(b) by Yamanaka et al. (European Patent Application EP 0905686 A2).

#### **7. ARGUMENT**

1. Rejection of claims 1-10 under 35 U. S. C. § 102(b) as anticipated by Yamanaka et al. (European Patent Application EP 0905686 A2).

#### **Claims 1-10**

Yamanaka et al. discloses a stocker apparatus for storage medium. See Yamanaka et al. at column 1, lines 7-12. The stocker apparatus 10 includes a base frame 12 disposed in a chassis 11. See Yamanaka et al. at FIG. 1 and column 6, lines 7-9. A sub-frame 13 is retained pivotably by the base frame 12. See Yamanaka et al. at FIG. 1 and column 6, lines 9-10. Stocker tray 16 is fixed near the upper wall of sub-frame 13, while stocker trays 17 and 18 are disposed slidably in parallel to the stocker tray 16. See Yamanaka et al. at FIG. 1 and column 6, lines 17-20.

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In Appellants' claims 1-10 a changer for disk-shaped recording media is described. See Appellants' specification at page 1, lines 24-25. The changer includes a drawer 3 slidably mounted within a chassis 1 and supporting a number of disk plates 7. See Appellants' specification at FIG. 1 and page 3, line 31 to page 4, line 8. The disk plates 7 are arranged one above the other. See Appellants' specification at FIG. 1 and page 4, lines 1-4. At least one disk plate 7 is mounted at one end via a hinge 9, 10 at the drawer 3 such that it is pivotable about a horizontal axis of the chassis 1 of the changer. See Appellants' specification at FIG. 2 and page 4, lines 10-13.

Yamanaka et al. does not describe or suggest a changer for disk-shaped recording media including a drawer slidably mounted within a chassis and supporting a number of disk plates that are arranged one above the other wherein at least one disk plate is pivotable about a horizontal axis of the chassis of the changer. Rather, Yamanaka et al. teaches a completely different arrangement in which only a sub-frame retained by a base frame of a chassis of a storage medium stocker is pivotable instead of a disk plate as recited in Appellants' claims 1-10. Since Yamanaka et al. does not teach a changer for disk-shaped recording media including a drawer slidably mounted within a chassis and supporting a number of disk plates that are arranged one above the other wherein at least one disk plate is mounted at one end via a hinge at the drawer such that the disk plate is pivotable about a horizontal axis of the chassis. Thus, claims 1-10 are not anticipated by Yamanaka et al. All claims argued within this section will stand or fall together.

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**8. CONCLUSION**

In view of the above, Appellants' respectfully request that the Examiners' rejection of claims 1-10 be reversed. Favorable action is respectfully requested.

Respectfully submitted,



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June 6, 2006

Attachments  
Appendix I - Claims 1-10  
Appendix II - Evidence  
Appendix III - Related Appeals and Interferences

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**APPENDIX I - APPEALED CLAIMS**

1. A changer for disk-shaped recording media including a drawer slidably mounted within a chassis of the changer and supporting a number of disk plates arranged one above the other and provided to hold a disk therein, wherein at least one disk plate is mounted at one end via a hinge at the drawer in such a way that it is pivotable about a horizontal axis of the chassis of the changer.
2. The changer according to claim 1, wherein the disk plate is provided with a pin at its edge remote from the edge at which the disk can be drawn from the disk plate said pin cooperating with one of an opening in a side wall of the drawer and an opening within a side wall of the chassis.
3. The changer according to claim 1, wherein the disk plate comprises at each of its opposite edges two pins the first pin cooperating with an opening within a side wall of the drawer and the second pin cooperating with an opening within a side wall of the chassis.
4. The changer according to claim 3, wherein the opening within the side wall of the chassis has the form of a slot extending perpendicular to the pivoting axis of the disk plates.
5. The changer according to claim 4, wherein the slot within the side wall of the chassis has a horizontal section and a subsequent downwardly inclined section enabling a pivoting of the disk plate within the drawer about an horizontal axis.
6. The changer according to claim 5, wherein the lowest slot for the lowest disk plate has substantially no downwardly inclined section and that the length of the downwardly inclined section increases from one disk plate to the next above

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positioned disk plate so that the disk plates are pivotable by angles increasing from the lowest to the upper disk plate and the disk plates become spreadable from each other.

7. The changer according to claim 1, wherein the pivoting operation of the disk plates can be implemented manually.
8. The changer according to claim 1, wherein the pivoting operation of the disk plates is implemented by electrical-mechanical driving means.
9. The changer according to claim 1, wherein disk plates are mounted at one end via a hinge at the drawer in such a way that they are at least one of upwards and downwards pivotable about a horizontal axis of the chassis of the changer.
10. The changer according to claim 1, wherein the changer is vertically arranged and the disk plates are provided with means to hold disks on said disk plates.

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**APPENDIX II - EVIDENCE**

Not applicable.



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**APPENDIX III - RELATED APPEALS AND INTERFERENCES**

Not applicable.

PTO/SB/97 (08-03)

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Serial No.: 09/873,638

Docket No.: PA000010

Examiner: Hanh Van Tran

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Petition for Extension of Time (2 Copies - 2 Pages)

Fee Transmittal Form (2 Copies - 2 Pages)

Appeal Brief and Appendices I-III (9 Pages)

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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b> Resubmission of Appeal Brief including "Evidence appendix" and "Related proceedings appendix".	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Thomson Licensing Inc.		
Signature	<i>Patricia A. Verlangeri</i>		
Printed name	Patricia A. Verlangeri		
Date	June 6, 2006	Reg. No.	42,201

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Thomson Licensing Inc.

Signature

*Patricia A. Verlangieri*

Printed name

Patricia A. Verlangieri

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## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1020

### Complete if Known

Application Number 09/873,638  
Filing Date June 4, 2001  
First Named Inventor Jlaung Woo  
Examiner Name Manh Van Tran  
Art Unit 3637  
Attorney Docket No. PA000010

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ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIF prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIF after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>65</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>430</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>980</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td>1020</td> </tr> <tr> <td>1254</td> <td>1,530</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,080</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>340</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>340</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>300</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1463</td> <td>1,370</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,370</td> <td>2501</td> <td>665</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>490</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>660</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1480</td> <td>130</td> <td>1480</td> <td>130</td> <td>Petitions to the Director</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17 (q)</td> <td></td> </tr> <tr> <td>1808</td> <td>180</td> <td>1808</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>790</td> <td>2809</td> <td>385</td> <td>Filing a submission after first rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>750</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>790</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for reexamination		1804	920*	1804	920*	Requesting publication of SIF prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIF after Examiner action		1251	110	2251	65	Extension for reply within first month		1252	430	2252	210	Extension for reply within second month		1253	980	2253	475	Extension for reply within third month	1020	1254	1,530	2254	740	Extension for reply within fourth month		1255	2,080	2255	1,005	Extension for reply within fifth month		1401	340	2401	165	Notice of Appeal		1402	340	2402	165	Filing a brief in support of an appeal		1403	300	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1463	1,370	2453	665	Petition to revive - unintentional		1501	1,370	2501	665	Utility issue fee (or reissue)		1502	490	2502	240	Design issue fee		1503	660	2503	320	Plant issue fee		1480	130	1480	130	Petitions to the Director		1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)		1808	180	1808	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	790	2809	385	Filing a submission after first rejection (37 CFR § 1.129(a))		1810	750	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))		1801	790	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
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1254	1,530	2254	740	Extension for reply within fourth month																																																																																																																																																																																	
1255	2,080	2255	1,005	Extension for reply within fifth month																																																																																																																																																																																	
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1480	130	1480	130	Petitions to the Director																																																																																																																																																																																	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)																																																																																																																																																																																	
1808	180	1808	180	Submission of Information Disclosure Stmt																																																																																																																																																																																	
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1810	750	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																	
1801	790	2801	385	Request for Continued Examination (RCE)																																																																																																																																																																																	
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<b>1. BASIC FILING FEE</b> <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>780</td> <td>2001</td> <td>385</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>1002</td> <td>350</td> <td>2002</td> <td>170</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003</td> <td>550</td> <td>2003</td> <td>265</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004</td> <td>790</td> <td>2004</td> <td>385</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>1005</td> <td>180</td> <td>2005</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	780	2001	385	Utility filing fee		1002	350	2002	170	Design filing fee		1003	550	2003	265	Plant filing fee		1004	790	2004	385	Reissue filing fee		1005	180	2005	80	Provisional filing fee		<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201</td> <td>88</td> <td>2201</td> <td>43</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203</td> <td>300</td> <td>2203</td> <td>145</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204</td> <td>66</td> <td>2204</td> <td>43</td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	88	2201	43	Independent claims in excess of 3		1203	300	2203	145	Multiple dependent claim, if not paid		1204	66	2204	43	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																			
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*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$) 1020																																																																																																																																																																																			

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Particular, Verlangien	Registration No. (Attorney/Agent)	42,201	Telephone	(609) 734-6867
Signature	<i>David A. Verlangien</i>	Date	June 6, 2006		

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1020**Complete if Known**

Application Number 09/873,638  
 Filing Date June 4, 2001  
 First Named Inventor Jisung Woo  
 Examiner Name Hanh Van Tran  
 Art Unit 3637  
 Attorney Docket No. PA000010

**RECEIVED  
CENTRAL FAX CENTER****JUN 06 2006****METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number

07-0832

Deposit  
Account  
Name

THOMSON LICENSING INC., Customer No. 24498

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	170	Design filing fee	
1003	550	2003	285	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	180	2005	90	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
0	0	0	0
0	0	0	0
0	0	0	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
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SUBTOTAL (2)

(\$ 0)

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	210	Extension for reply within second month	
1253	980	2253	495	Extension for reply within third month	1020
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1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1020)

**SUBMITTED BY**

Name (Print/Type)

Petricia A. Verjagleri

Registration No.  
(Attorney/Agent)

42,201

Telephone

(609) 734-6867

Signature

Patricia A. Verjagleri

Date

June 6, 2006

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